

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL J. PISKANIN, Jr. :
Petitioner, :
v. : Case No. 3:13-cv-25-KRG-KAP
KENNETH CAMERON, WARDEN, :
S.C.I. CRESSON, :
:

Memorandum Report and Recommendation

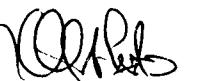
Petitioner Michael Piskanin, an inmate at S.C.I. Cresson and frequent filer of habeas corpus petitions, has filed another petition for a writ of habeas corpus. See e.g. Piskanin v. Cameron, Case No. 3:11-cv-76-KRG-KAP (W.D.Pa. June 30, 2011), certificate of appealability denied No. 11-2931 (3d Cir. August 29, 2011). This one is a little different: according to petitioner, also a frequent filer of civil rights complaints, although S.C.I. Cresson is a terrible place, it is being closed and petitioner fears that he will be transferred somewhere worse. He seeks a writ prohibiting his transfer except on order of a federal court. The tenuous basis for this is that petitioner says he has a petition for a writ of habeas corpus pending in the United States District Court for the Eastern District of Pennsylvania. Apparently petitioner believes that court has jurisdiction over the respondent for purposes of that writ, but that court does not have jurisdiction over the respondent for the purpose of this writ.

If a writ were the proper relief (it is not) and were properly sought to preserve petitioner's rights in the United States District Court for the Eastern District of Pennsylvania, it would properly issue from that court. More important, of course,

the petitioner asserts no facts that would cause any court to believe any order or writ from any court would be proper. Pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, this petition should be dismissed as legally frivolous, without a certificate of appealability.

Pursuant to 28 U.S.C. § 636(b)(1), the petitioner is given notice that he has fourteen days to serve and file written objections to this Report and Recommendation.

DATE: February 6 2013



Keith A. Pesto,
United States Magistrate Judge

Notice by U.S. Mail to:

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